

The Gazette of India

EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bill was introduced in the Lok Sabha on 16th December, 1954:—

BILL No. 63 OF 1954

A Bill further to amend the Delimitation Commission Act, 1952.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Delimitation Commission (Amendment) Act, 1954.

2. Insertion of new section 9A in Act LXXXI of 1952.—In the Delimitation Commission Act, 1952, after section 9, the following section shall be inserted, namely:—

“9A. Redetermination of seats for scheduled Castes or scheduled tribes on correction of census figures.—(1) Where, at any time before the publication in the Gazette of India of the final order of the Commission determining in respect of any Part A State or Part B State the matters referred to in sub-section (2) of section 8, the census figures pertaining to the population of the scheduled castes or scheduled tribes of that State are corrected by the competent census authority in order to rectify any bona fide mistake or omission during enumeration, and the corrections so made are duly published by that authority and brought to the notice of the Commission,—

(a) the said figures as so corrected shall be taken to be the latest census figures for the purposes of section 8;

(b) the Commission shall, by order published in the Gazette of India, redetermine on the basis of those figures the number of seats, if any, to be reserved for the scheduled castes or scheduled tribes of the State in the House of the People and the Legislative Assembly of the State in accordance with the provisions of sub-section (1) of section 8 and

make any corrections that may be found necessary in its final order determining the matters referred to in that sub-section; and

(c) on such publication, the said final order as so corrected shall have the full force of law and shall not be questioned in any court.

(2) Nothing in sub-section (3) of section 8 shall apply in respect of the redetermination of numbers under clause (b) of sub-section (1) of this section.

(3) As soon as may be after publication in the Gazette of India every order made under clause (b) of sub-section (1) shall be laid before the House of the People."

STATEMENT OF OBJECTS AND REASONS

When the Delimitation Commission began its work early in 1953 it had the 1951 population figures as published by the Registrar General in Census Paper No. IV which gave for each State the total population as well as the population of the scheduled castes and scheduled tribes of that State. Certain errors and omissions in the tabulation of figures pertaining to the scheduled castes in four States were subsequently brought to the notice of the Registrar General, and as a result, he issued corrections to the published figures, as regards Hyderabad and Saurashtra towards the end of October, 1953, as regards Rajasthan in August, 1954, and as regards Uttar Pradesh in November, 1954. The Commission was able to take into account the revised figures for Hyderabad and Saurashtra and fix the number of reserved seats for the scheduled castes of those States in its Final Order No. 3, dated the 13th November, 1953. In regard to Rajasthan and Uttar Pradesh, however, the revised figures were published long after it had made its Final Order under sub-section (1) of section 8 of the Delimitation Commission Act, 1952. The Commission is not competent to amend its Final Orders except to the very limited extent permitted by section 10 of the Act. It is obviously desirable that in cases where the Census authorities find it necessary to revise the published figures in order to rectify bona fide mistakes and omissions during tabulation and where there is still time for the Commission to take the revised figures into account, it should be authorised to do so. The Bill seeks to give the necessary legal authority for this purpose.

C. C. BISWAS.

NEW DELHI;

The 15th December, 1954.

M. N. KAUL,

Secretary.